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| 10/527,116 | 03/08/2005 | Ronaldus Maria Aarts | NL 020887 | 9525 |

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| EXAMINER | |
|---|---|
| BORROMEO, JUANITO C | |

| ART UNIT | PAPER NUMBER |
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| 2184 | |

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| 01/31/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/527,116 | AARTS, RONALDUS MARIA | |
| | Examiner | Art Unit | |
| | Juanito C. Borromeo III | 2184 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *16 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Barton et al. (U.S. Pat. No. 6233389), hereinafter after referred to as Barton' 389.

Referring to claim 1, Barton' 389 discloses a method of content presentation comprising the steps of:

receiving (fig. 1, input module) a content signal (fig. 1, input stream) from a content source (col. 3, lines 34 – 38, TV input streams);

deriving (fig. 1, media switch) a content indicator (fig. 5) from a content analysis (fig. 4, note parsed data) of the content signal (fig. 1, input stream); and

adjusting (col. 3, lines 28 - 29) a presentation rate (col. 3, lines 28 – 29, i.e. fast/slow play and etc.) of the content signal (fig. 1, input stream) in response to the content indicator (fig. 5).

As to claim 2, Barton' 389 discloses a method as claimed in claim 1 wherein step of adjusting further comprises adjusting the presentation rate (col. 3, lines 28 – 29, i.e.

fast/slow play and etc.) in response to a user preference profile (col. 11, lines 17 – 21, user creates custom sequence of video output).

As to claim 3, Barton' 389 discloses a method as claimed in claim 2 wherein the user preference profile (col. 11, lines 17 – 21, user creates custom sequence of video output) is determined in response to a previous user behaviour (col. 11, lines 17 – 21, user creates custom sequence of a recorded videos, which is created prior to a show or the like).

As to claim 4, Barton' 389 discloses a method as claimed in claim 2 wherein the user preference profile (col. 11, lines 17 – 21, user creates custom sequence of video output) is determined in response to a user input (col. 2, lines 33, user input, i.e. commands for fast/slow play and etc.).

As to claim 5, Barton' 389 discloses a method as claimed in claim 1 wherein the step of adjusting the presentation rate (col. 3, lines 28 – 29, i.e. fast/slow play and etc.) comprises selection between a first presentation rate (col. 3, lines 28 – 29, fast forward) and at least a second presentation rate (col. 3, lines 28 – 29, play).

As to claim 6, Barton' 389 discloses a method as claimed in claim 5 wherein the first presentation rate (col. 3, lines 28 – 29, i.e. fast/slow play and etc.) is a fast forward

rate (col. 3, lines 28 – 29, fast forward) and the second presentation rate is a substantially real time presentation rate (col. 3, lines 28 – 29, play).

As to claim 7, Barton' 389 discloses a method as claimed in claim 5 wherein at least one presentation rate is a reverse time presentation rate (col. 3, lines 28 – 29, reverse).

As to claim 8, Barton' 389 discloses a method as claimed in claim 1 further comprising:

the step of recording the content signal (fig. 1, input stream) on a storage medium (fig. 1, hard disk 105), and

wherein the step of receiving (fig. 1, input module) the content signal (fig. 1, input stream) comprises receiving the recorded content signal from the storage medium (fig. 1, output module shows a method of receiving the recorded content from the storage medium), and the step of deriving (fig. 1, media switch) the content indicator (fig. 5) is performed in association with the step of recording the video signal (fig 6, discloses a method of deriving in association with recording video signals).

As to claim 9, Barton' 389 discloses a method as claimed in claim 1 wherein the step of deriving (fig. 1, media switch) the content indicator (fig. 5) comprises analysing content information data (fig. 5 shows a method of analysing address, type, and time stamp) associated with the content signal.

As to claim 10, Barton' 389 discloses a method of content presentation as claimed in claim 1 wherein the content signal is a video signal (col. 3, lines 34 – 38, TV input streams).

As to claim 11, Barton' 389 disclose a method as claimed in claim 10 wherein the content source is a video signal storage medium (col. 3, lines 34 – 38, DBS, DSS, ATSC).

As to claim 12, Barton' 389 discloses a method as claimed in claim 11 wherein the content source (col. 3, lines 34 – 38, TV input streams) is a video broadcast source (col. 3, lines 34 – 38, PAL broadcast).

As to claim 13, Barton' 389 discloses a method as claimed in claim 1 wherein the content signal (fig. 1, input stream) is a multimedia signal (col. 3, lines 34 – 38, DSS).

As to claim 14, Barton' 389 discloses a method as claimed in claim 1 wherein the content signal (fig. 1, input stream) is a text signal (col. 3, line 58, Close Caption).

As to claim 15, Barton' 389 discloses a method as claimed in claim 1 wherein the content signal (fig. 1, input stream) is an audio signal (col. 3, lines 34 – 38, DBS).

As to claim 16, Barton' 389 discloses the set of instructions operable to carry out a method according to claim 1 (col. 8, line 9, TiVo Media Kernel).

Referring to claim 17, Barton' 389 discloses an apparatus for content presentation comprising:

a receiver (fig. 1, input module) for receiving a content signal from a content source;

a processor (fig. 1, CPU) for deriving a content indicator from a content analysis of the content signal; and

a controller (fig. 1 media switch 102) for adjusting a presentation rate of the content signal in response to the content indicator.

As to claim 18, Barton' 389 discloses an apparatus as claimed in claim 17 wherein the apparatus is a video signal playback apparatus (video playback apparatus of fig. 1) and the content signal is a video signal (col. 3, lines 34 – 38, TV input streams).

As to claim 19, Barton' 389 discloses an apparatus as claimed in claim 18 wherein the apparatus is a video recorder unit further comprising a recording controller operable to record the video signal (col. 3, lines 34 – 38, TV input streams) on a storage medium (fig. 1, hard disk).

### *Response to Arguments*

Applicant's arguments filed 11/16/2007 have been fully considered but they are not persuasive.

With respect to the 102 rejection, Applicant argued that Barton does not teach the limitations of claim 1, specially adjusting the presentation rate of the content signal in response to the content indicator (Page 7, lines 19 - 20). Examiner respectfully disagrees because Barton discloses the method of claim 1 as mapped in the previous office action. Since the content indicator is simply a data value indicating which category of content signal currently belongs to (page 5, lines 20 - 22), it can be reasonably construed to be any value that indicates a content signal (i.e. time, tags, channel, closed caption CC, national television standard committee NTSC and etc.) For example, "a different table and state machine may be provided for each input channel ... depending on the time of day, or because of other events" (Column 10, lines 62 - 67).

In addition, Barton allows "the program logic or user to create custom sequences of video output. Any number of video segments can be lined up and combined as if the grogram logic or user were using a broadcast studio video mixer" (Column 11, lines 17 - 21).

Therefore, a presentation rate can be adjusted base on many different content indicators.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juanito C. Borromeo III whose telephone number is 571 270 1720. The examiner can normally be reached on Mon-Fri, 8:30 AM - 5:00 PM, ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Tsai can be reached on 571 272 4176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HENRY TSAI
SUPERVISORY PATENT EXAMINER

1/29/08